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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,873	09/29/1999	MAURITIUS SEEGER	D/99487	4555

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EXAMINER

MISLEH, JUSTIN P

ART UNIT PAPER NUMBER

2612

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/408,873

Applicant(s)

SEEGER ET AL.

Examiner

Justin P Misleh

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 18, 20, and 25 - 42.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 10/12/03 a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


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Continuation of 5. does NOT place the application in condition for allowance because:

Response to Applicant's arguments in favor of Claims 18, 20, 29 - 35 and 38 - 42.

The Applicant argues, "independent claims 18 and 29 [in part claims] a plurality of cameras that simultaneously record a plurality of camera images, where at least one camera has an offset lens. Microscanning disclosed by Chevrette does not concern the simultaneously scanning of images, instead it concerns the movement of a lens a distance to record each microscanned image." Furthermore, the Applicant attempts to bodily incorporate various features of Taylor and Chevrette to prove that "such a combination fails to teach the simultaneous recording of a plurality of views as claimed."

In response to Applicant's argument that the combination of Taylor and Chevrette produces a dual camera system in which two microscanning cameras record overlapping images, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In the Final Rejection (23 August 2004), Chevrette et al. was NOT relied upon to provide any kind of simultaneous recording of a plurality of images. In fact, the Final Rejection clearly stated, "Taylor et al. disclose, as shown in figures 1, 3, and 8 and as stated in columns 2 (lines 66 and 67), 3 (lines 1 - 13, 34 - 40, and 54 - 65), 4 (lines 26 - 65), and 5 (lines 55 - 60), an image acquisition system and corresponding method comprising: a plurality of cameras (106 and 108) simultaneously records a plurality of views." Furthermore, according to the Final Rejection, the only thing that Taylor et al. not provide is "wherein at least one of the cameras has an offset lens to produce an oblique field of view of the portion it records of the area and wherein the offset lens of the at least one camera may be shifted to one of a plurality of offsets." Lastly, Chevrette et al. was brought in to teach "a camera that has an offset lens to produce an oblique field of view of the portion it records of an area." So to argue that Chevrette et al. does not concern the simultaneously scanning of images and instead concerns the movement of a lens a distance to record each microscanned image is erroneous and irrelevant. In conclusion, Taylor et al. teach, as proven without a doubt in columns 1 (lines 66 and 67), 3 (lines 34 - 37), and 4 (lines 60 - 63), simultaneously recording using a plurality of cameras.

Response to Applicant's arguments in favor of Claims 25 - 28, 36, and 37.

The Applicant argues, "[the] invention recited in independent claim 25 describes a camera that rotates to allow a lens of the camera to record two different views with a plane that is substantially orthogonal to the optical axis of the camera." Furthermore, the Applicant argues that the combination of Anderson in view Chevrette et al. using a camera that records microscanned images while rotating about an axis that is substantially perpendicular to the optical axes of the moving (microscanning) lens."

The Applicant appears to insinuate that Claim 25 somehow requires that the camera be rotated in a particular way. In other words, the Applicant believes that Claim 25 requires that the axis of camera rotation is either parallel to the optical axis of the camera lens or identical to the optical axis of the camera lens. However, neither of the above interpretations is specifically stated or implied by the claim language. In fact the claim language simply requires that a first view of an area be recorded while the camera is at a first position and recording a second view of the area after the camera is rotated to a second position. A further requirement is that when recording the first view the lens of the camera is positioned at an offset position with a plane orthogonal to an optical axis of the lens and that when recording the second view that the lens of the camera is in that same offset position. Lastly, the claim requires combining all the recorded views to produce a composite image.

The claim language provides no details whatsoever as to how the camera is to be rotated including what kind of rotation or that actual axis of rotation. All that is required is that two views of the area are recorded wherein a first view is recorded before camera rotation and a second view is recorded after camera rotation. Anderson provides this feature as clearly shown figure 6.